## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hans-Michael EGGENWEILER Examiner: Cecilia M. Jaisle

Serial No.: 10/518,503 Group Art Unit: 1624

Filed: December 20, 2004

For: THIAZOLE DERIVATIVES AS PHOSPHODIESTERASE IV INHIBITORS

## RESPONSE TO NOTICE OF NON-COMPLIANCE AND REPLACEMENT SECTION (iii) FOR APPEAL BRIEF

Mail Stop: AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Compliance dated August 25, 2008, and further to the Appeal Brief filed on August 11, 2008, please consider the following.

## (iii) STATUS OF CLAIMS

Pending: Claims 1-19, 21, 24-26 and 30.

Rejected: Claims 21, 24-26 and 30.

Canceled: Claims 20, 22, 23, 27-29.

Allowable: Claims 1-19.

On Appeal: Claims 21, 24-26 and 30.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Harry B. Shubin/

Harry B. Shubin (Reg. No. 32,004) Attorney for Applicant(s)

MILLEN, WHITE, ZELANO & BRANIGAN, P.C. Arlington Courthouse Plaza 1, Suite 1400 2200 Clarendon Boulevard Arlington, Virginia 22201 Telephone: (703) 243-6333

Facsimile: (703) 243-6410

Attorney Docket No.: MERCK-2957

Date: September 5, 2008